

In The United States District Court
For The District of Delaware

Aaron T. Gibbs, Sr.,

Civ. Act. No. 07-342-SLR

Plaintiff,

v.

Ruth Ann Minner, Governor,
Et al,

Defendants

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CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
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Expedited Motion For Judicial
Notice of Adjudicative Facts
And For A Three Judge Court

The plaintiff, Aaron T. Gibbs, Sr., Ind Se, presents this motion pursuant to and under the provisions of Fed. R. Evid. R. 201 and 28 U.S.C.A. subsec. 2284, for the following reasons.

1) Since in plaintiff's case as set forth in Young, 209 U.S. 123, 28 S.Ct. 441; "The act to be enforced is alleged to be unconstitutional... The use of the name of the State to enforce an unconstitutional act to the injury of complainant is a proceeding without the authority of... the State in its sovereign or governmental capacity."

2) "It is simply an illegal act upon the part of a State official in attempting, by the use of the name of the State, to enforce a legislative enactment which is void because unconstitutional. If the act which the State official seeks to enforce be a violation of the Federal Constitution, the official, in proceeding under such enactment, comes into conflict with the Superior authority of the Constitution, and he is in that case stripped of his official or representative character and is subject in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the Supreme authority of the United States."

3) Therefore, in light of the facts set forth in Plaintiff's "Motion For Reconsideration, Jurisdiction Motion, Supplemental Motion, Amended Complaint and the facts stated herein, an Expedited Motion For Judicial Notice of Adjudicative Facts and A Three Judge Court is warranted in the interest of justice and in the interest of the public. (Fed. R. Evid. R. 201(b) and 28 U.S.C.A. Subsec. 2284(b)(1) and (2)).

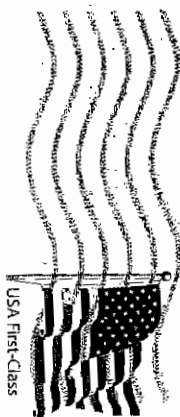
Wherefore: The Plaintiff pray that the Court will grant the relief requested.

Dated: August 20, 2007

Plaintiff,
 Aaron J. Gibbs, Sr.
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